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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,316	12/16/2003	Raymond R. Hornback JR.	LOT920030097US1_007	5949
51835 7590 10/26/2010 IBM LOTUS & RATIONAL SW c/o GUERIN & RODRIGUEZ 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752				
EXAMINER				
LIU, LIN				
ART UNIT		PAPER NUMBER		
2445				
MAIL DATE		DELIVERY MODE		
10/26/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/737,316

**Applicant(s)**

HORNBACK ET AL.

**Examiner**

LIN LIU

**Art Unit**

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is responsive to communications filed on 08/26/2010.

***Response to Amendment***

2. Claims 1-9 remain pending in the application. Claims 10-22 have been cancelled. Claim 1 has been amended. No new claims have been added.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

4. Claim 1 is objected to because of the following informalities:

The instant claim recites the limitation: "a feedback generated by the one of the system component" on line 10 of the claim, the examiner believes it is referring to "the feed back generated by the one of the system component".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by **Roy et al. (Patent no.: US 7,149,776 B1)**.

With respect to **claim 1**, Roy teaches a method for configuring and dynamically adapting an application sharing system comprising a plurality of computers in communication over a network, one of the computers sharing an application with at least one other computer over the network (Roy: fig. 1 and col. 3 line 60 to col. 4 line 3), the method comprising:

providing at least one of the plurality of computers with a plurality of system components, one of the system components adapted to provide feedback to the shared application (Roy: fig. 2, col. 5, lines 41 to lines 67, noted the collaboration server) ;

determining a preference for the shared application (Roy: fig. 2, col. 6, line 59 to col. 7, line 17 , noted the rule engine 234 controls how the content appears to the attendees and restricts the attendee's permission or role);

monitoring by the one of the computers the feedback generated by the one of the system components to determine whether the system component is performing satisfactorily, said feedback indicating the performance of the component relative to the determined preference (Roy: fig. 2, col. 5, line 63 to col. 6 line19, noted the session manager authenticates and verifies client permission or roles); and

configuring the one of the system components in response to the determined preference and the monitored feedback, said configuring comprising adjusting an algorithm used to implement the system component, the configuring of the system component causing an adjustment in the performance of the shared application for a

plurality of computers sharing the application (Roy: col. 10, lines 17-47, noted that the collaboration server is configured based on the rules and the monitoring).

With respect to **claim 2**, Roy teaches the method of claim 1 wherein the system component comprises one of a compression algorithm, a change detection algorithm, a screen capture device and a data transport type (Roy: col. 10, lines 17-47).

With respect to **claim 3**, Roy teaches the method of claim 1 wherein the preference is a user preference (Roy: col. 7, lines 8-17 and col. 12, lines 51-55).

With respect to **claim 4**, Roy teaches the method of claim 3 wherein the user preference defines at least one of an image quality and a latency (Roy: col. 12, lines 51-63, noted the size of attendee's browser windows).

With respect to **claim 5**, Roy teaches the method of claim 3 wherein the user preference defines at least one of a CPU usage and a fidelity (Roy: col. 12, lines 51-63).

With respect to **claim 6**, Roy teaches the method of claim 1 wherein the preference is an administrator preference (Roy: fig. 2, col. 6, line 59 to col. 7, line 17 , noted the rule engine 234 restricts the attendee's permission or role).

With respect to **claim 8**, Roy teaches the method of claim 6 wherein the administrator preference limits the selection of a user preference according to an image compression type (Roy: col. 5 lines 3-10 and col. 6, line 43-58, noted the HTML document conversion).

With respect to **claim 9**, Roy teaches the method of claim 1 further comprising selecting the preference for the shared application (Roy: fig. 2, col. 6, line 59 to col. 7, line 17 , noted the rule engine 234).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Roy et al. (Patent no.: US 7,149,776 B1)** in view of **Fedotov et al. (PGPUB: US: 2004/0181796 A1)**.

With respect to **claim 7**, Roy teaches all of the claimed limitations except that he does not explicitly teach limiting the selection of a user preference according to a maximum data rate.

In the same field of endeavor, Fedotov teaches limiting the selection of a user preference according to a maximum data rate (Fedotov: page 6, paragraphs 90-93, noted the control unit that limits client collaboration by attendee's maximum data rate).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate control unit as taught by Fedotov in Roy's invention as the condition in limiting the selection of the user's preference. The motivation to combine this feature is to prevent the over use of bandwidth by all the users simultaneously.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LIN LIU** whose telephone number is (571)270-1447. The examiner can normally be reached on **Monday - Friday, 7:30am - 5:00pm, EST**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caldwell, Andrew can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/  
Examiner, Art Unit 2445

/HASSAN PHILLIPS/

Primary Examiner, Art Unit 2445